

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF RULEMAKING HEARING

The New Mexico Environmental Improvement Board ("Board") will hold a public hearing on January 23, 2015 at 10:00 a.m. at the Old PERA Building, Apodaca Hall, 1120 Paseo De Peralta, Santa Fe, New Mexico, 87504. The purpose of the hearing is to consider the matter of EIB 14-05 (R), a proposed amendment of the New Mexico State Implementation Plan ("SIP") regarding 20.2.1 NMAC, *General Provisions*.

The proponent of this regulatory amendment is the New Mexico Environment Department ("NMED").

The purpose of the public hearing is to consider and take possible action on a petition from the NMED to amend 20.2.1 NMAC. The purpose of proposed amendments to 20.2.1 NMAC is to codify the Department's authority to request and receive documents required from regulated sources in an electronic format. The proposed amendment would stipulate that: pursuant to the *Cross-Media Electronic Reporting Rule* (CROMERR) as defined by Title 40 of the Code of Federal Regulations (CFR) Part 3; and the *Uniform Electronic Transactions Act*, NMSA 1978, §§ 14-16-1 to -21 (2001 as amended through 2013); any submittal to the department required by any part under Chapter 2, *Air Quality (Statewide)*, of Title 20, *Environmental Protection*, of the New Mexico Administrative Code, for which the department has notified persons subject to the applicable requirement that it is accepting specified electronic documents in lieu of paper, shall be submitted electronically, provided that the method of submittal complies with applicable federal and state standards for electronic submissions. The department may grant a waiver of this requirement on a case-by-case basis if requested by the regulated source. The proposed amendments will also address potential problems encountered with electronic reporting due to problems with computer systems and internet service providers. The proposed amendments will also include minor corrections to formatting and style. Upon adoption by the Board, the amended 20.2.1 NMAC would be submitted to EPA for incorporation into New Mexico's SIP.

The full text of NMED's proposed revised regulation is available on the Air Quality Bureau's web site at http://www.nmenv.state.nm.us/aqb/prop_regs.html or by contacting Neal Butt at 505-476-4317 or neal.butt@state.nm.us. The proposed revised regulation may also be examined during office hours at the Air Quality Bureau office, 525 Camino de los Marquez, Suite 1, Santa Fe, New Mexico, 87505.

The hearing will be conducted in accordance with 20.1.1 NMAC, *Rulemaking Procedures – Environmental Improvement Board*, the *Environmental Improvement Act*, NMSA 1978, Section 74-1-9, the *Air Quality Control Act*, NMSA 1978, Section 74-2-6, and other applicable procedures.

All interested persons will be given a reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Persons wishing to present technical testimony must file with the Board a written notice of intent to do so. The notice of intent shall:

- (1) identify the person for whom the witness(es) will testify;
- (2) identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of their education and work background;
- (3) include a copy of the direct testimony of each technical witness in narrative
- (4) list and attach each exhibit anticipated to be offered by that person at the hearing; and
- (5) attach the text of any recommended modifications to the proposed new and revised regulations.

Notices of intent for the hearing must be received in the Office of the Board not later than 5:00 pm on January 2, 2015, and should reference the docket number, EIB 14-05 (R), and the date of the hearing. Notices of Intent to present technical testimony should be submitted to:

Pam Castaneda, Board Administrator
Environmental Improvement Board
P. O. Box 5469

Santa Fe, NM 87502

Phone: (505) 827-2425, Fax (505) 827-0310

Any member of the general public may testify at the hearing. No prior notification is required to present non-technical testimony at the hearing. Any such member may also offer exhibits in connection with their testimony, so long as the exhibit is not unduly repetitious of the testimony.

A member of the general public who wishes to submit a written statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing, or submit it at the hearing.

Persons having a disability and needing help in being a part of this hearing process should contact Juan Carlos Borrego of the NMED Human Resources Bureau by January 13, 2015 at P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone 505-827-0424 or e-mail juancarlos.borrego@state.nm.us . TDY users please access his number via the New Mexico Relay Network at 1-800-659-8331.

The Board may make a decision on the proposed revised regulation at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal.